

REMARKS

In the non-final Office Action, dated September 21, 2005, the Examiner rejects claims 1-6 and 36-38 under 35 U.S.C. § 102(b) as anticipated by KIM et al. (U.S. Patent No. 5,982,751); rejects claims 19-21 and 29-35 under 35 U.S.C. § 102(e) as anticipated by LEVINE (U.S. Patent No. 6,504,818); rejects claims 23 and 26 under 35 U.S.C. § 102(e) as anticipated by SUSNOW (U.S. Patent Application Publication No. 2002/0159385); rejects claim 22 under 35 U.S.C. § 103(a) as unpatentable over LEVINE in view of BARANYAI et al. (U.S. Patent No. 4,499,577); rejects claims 24 and 28 under 35 U.S.C. § 103(a) as unpatentable over SUSNOW in view of BARANYAI et al.; rejects claim 27 under 35 U.S.C. § 103(a) as unpatentable over SUSNOW in view of KIM (U.S. Patent No. 6,215,768); rejects claims 39 and 41 under 35 U.S.C. § 103(a) as unpatentable over KIM in view of LEVINE; and allows claims 7 and 9-18.

Applicants note with appreciation the indication that claim 7 and 9-18 are allowable over the art of record. Applicants respectfully traverse the rejections under 35 U.S.C. §§ 102 and 103. Claims 1-7 and 9-41 remain pending.

At the outset, Applicants note that the Office Action Summary indicates that claims 25 and 40 stand rejected. Claims 25 and 40, however, are not rejected under any of the grounds of rejection in the Office Action. Applicants respectfully request that the Examiner clarify the status of these claims.

Claims 1-6 and 36-38 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by KIM et al. Applicants respectfully traverse this rejection.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught

must be inherently present. See M.P.E.P. § 2131. Applicants submit that KIM et al. does not disclose or suggest the combination of features recited in Applicants' claims 1-6 and 36-38.

Applicants' independent claim 1 is directed to a method for transferring data. The method includes receiving a request to transfer data; determining whether a counter value equals or exceeds a threshold, the counter value representing an amount of time; and transmitting the data when the counter value equals or exceeds the threshold. KIM et al. does not disclose or suggest this combination of features.

For example, KIM et al. does not disclose or suggest determining whether a counter value equals or exceeds a threshold, where the counter value represents an amount of time. The Examiner continues to rely on col. 5, lines 30-34, and step 105 of Fig. 6 of KIM et al. for allegedly disclosing this feature of claim 1 (Office Action, pg. 3). Applicants respectfully disagree with the Examiner's interpretation of KIM et al.

At col. 5, lines 26-43, KIM et al. discloses:

If the cell has not experienced the congestion, other cells are checked continuously, and if the cell has experienced congestion, the congestion experienced counter value with respect to the service is increased by "1" in step 104, and it is determined whether the value of the congestion experienced counter is greater than a predetermined threshold value within a designated unit time in step 105.

If the congestion experienced counter value is below a predetermined threshold value within the designated unit time, the congestion experienced counter value is cleared in step 106, and if the congestion experienced counter value exceeds a predetermined threshold value within the previously designated unit time, the congestion counter value is increased by "1" in step 107, and it is determined that the congestion counter value is greater than a predetermined unit time within the previously designated unit time in step 108.

This section of KIM et al. discloses a congestion experienced counter that tracks the number of times a cell experiences congestion. This section of KIM et al. in no way discloses or suggests a

counter value representing an amount of time. Therefore, this section of KIM et al. cannot disclose or suggest determining whether a counter value equals or exceeds a threshold, where the counter value represents an amount of time, as required by claim 1.

Step 105 of KIM et al.'s Fig. 6 determines whether the value in the congestion experienced counter is greater than a predetermined value within a designated unit time. As set forth above, KIM et al. discloses that a congestion experienced counter stores a value representing the number of times a cell experiences congestion. KIM et al. does not disclose or suggest a counter value representing an amount of time. Therefore, this section of KIM et al. cannot disclose or suggest determining whether a counter value equals or exceeds a threshold, where the counter value represents an amount of time, as required by claim 1.

Further with respect to the above feature of claim 1, the Examiner alleges that "Kim '751 teaches a counter value compared to a threshold value...it is determined that the congestion counter value is greater than a predetermined unit time" and points to col. 5, lines 40-43, of KIM et al. for support (Office Action, pg. 2). Applicants submit that the Examiner has mischaracterized the KIM et al. disclosure.

Contrary to the Examiner's allegation, KIM et al. does not disclose or suggest comparing a counter value to a predetermined unit time. Instead, KIM et al. specifically discloses determining whether a congestion experienced counter value is greater than a predetermined threshold within a designated unit time (see, for example, col. 5, lines 26-43). Put another way, KIM et al. discloses determining whether the congestion experienced counter value exceeds a predetermined threshold during a designated time period. KIM et al. in no way discloses or suggests that the congestion experienced counter value is a predetermined unit time, as the

Examiner alleges. In fact, as set forth above, KIM et al. specifically discloses that the congestion experienced counter tracks the number of times a cell experiences congestion (see, for example, col. 5, lines 26-32).

Since KIM et al. does not disclose determining whether a counter value equals or exceeds a threshold, where the counter value represents an amount of time, KIM et al. cannot disclose transmitting the data when the counter value equals or exceeds the threshold, as also required by claim 1.

For at least the foregoing reasons, Applicants submit that claim 1 is not anticipated by KIM et al.

Claims 2-6 depend from claim 1. Therefore, Applicants submit that these claims are not anticipated by KIM et al. for at least the reasons given above with respect to claim 1. Moreover, these claims recite additional features not disclosed or suggested by KIM et al.

For example, claim 5 recites setting the threshold to exceed a flow control delay. The Examiner relies on the Abstract of KIM et al. for allegedly disclosing this feature (Office Action, pg. 4). Applicants respectfully disagree with the Examiner's interpretation of KIM et al.

In the Abstract, KIM et al. discloses:

An improved rare probability connection call registration method using a PTI field information for an asynchronous transfer mode switching system which is capable of registering a rare probability connection code (RPCC) by using PTI field information, which includes the steps of setting a predetermined threshold value, checking payload type indication field information within each cell header which is currently being serviced, and determining whether the cell experienced congestion, continuously checking other cells when the cell did not experience congestion, increasing the congestion experienced counter value with respect to the service when the cell experienced congestion, and comparing the congestion experienced counter value with a predetermined threshold value within a previously designated unit time, clearing the congestion experienced counter value when the congestion experienced counter value is less than a predetermined

threshold value within the previously designated unit time, increasing the congestion experienced counter value when the congestion experienced counter value exceeds the predetermined threshold value within a previously designated unit time, and comparing the congestion counter value with a predetermined threshold value within the previously designated unit time.

This section of KIM et al. discloses setting a predetermined threshold value. This section of KIM et al. in no way discloses or suggests, however, that the predetermined threshold value is set to exceed a flow control delay, as specifically required by claim 5.

Further with respect to this feature, the Examiner alleges "a congestion counter is the same as a flow control delay counter and the congestion counter is set to perform for instances greater than the threshold" and points to Fig. 6 of KIM et al. for support (Office Action, pg. 2). Applicants respectfully disagree with the Examiner's allegation.

At the outset, Applicants submit that KIM et al.'s congestion experienced counter is not the same as a flow control delay counter. The Examiner does not point to any section of KIM et al. or elsewhere that discloses that KIM et al.'s congestion experienced counter is the same as a flow control delay counter. If the Examiner persists with this allegation, Applicants respectfully request that the Examiner point to the section or section of KIM et al. where KIM et al. discloses that the congestion experienced counter is equivalent to a flow control delay counter or provide a reference that supports this allegation.

Fig. 6 of KIM et al. depicts a flow chart illustrating a rare probability connection call (RPCC) registration method. This figure of KIM et al. in no way discloses or suggest that KIM et al.'s congestion experienced counter is the same as a flow control delay counter, as the Examiner alleges. In fact, this figure of KIM et al. is not even related to controlling flow. Instead, this figure of KIM et al. is directed to a registration method.

For at least these additional reasons, Applicants submit that claim 5 is not anticipated by KIM et al.

Claim 6 recites resetting the counter value after transmitting the data. Applicants submit that since KIM et al. does not disclose a counter value representing an amount of time, KIM et al. cannot disclose resetting the counter value after transmitting the data, as required by claim 6.

Even assuming, for the sake of argument, that KIM et al.'s congestion experienced counter value could reasonably be construed as a counter value representing an amount of time, KIM et al. does not disclose or suggest resetting the congestion experienced counter value after transmitting data. In stark contrast, KIM et al. discloses that the counter value is reset if the number of congestion experiences does not exceed a threshold (see step 106 in Fig. 6). KIM et al. does not disclose or suggest resetting the counter value after transmitting the data, as required by claim 6.

Further with the above feature of claim 6, the Examiner alleges "clearing is the same as resetting" (Office Action, pg. 2). Applicants submit that this allegation in no way addresses the above arguments with respect to claim 6. If this rejection is maintained, Applicants respectfully request that the Examiner specifically point to the section(s) of KIM et al. where KIM et al. discloses resetting (or clearing) congestion experienced counter after transmitting the data.

For at least these additional reasons, Applicants submit that claim 6 is not anticipated by KIM et al.

Independent claim 36 recites features similar to, yet possibly of different scope than, features described above with respect to claim 1. Therefore, this claim is not anticipated by KIM et al. for at least reasons similar to reasons given above with respect to claim 1.

Claims 37 and 38 depend from claim 36. Therefore, these claims are not anticipated by KIM et al. for at least the reasons given above with respect to claim 36.

Claims 19-21 and 29-35 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by LEVINE. Applicants respectfully traverse this rejection.

As set forth above, a proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. See M.P.E.P. § 2131. Applicants submit that LEVINE does not disclose or suggest the combination of features recited in Applicants' claims 19-21 and 29-35.

For example, independent claim 19 is directed to a method for preventing a buffer overflow condition. The method includes determining a delay associated with transmitting a flow control signal from the buffer to a device that transmits data to the buffer; setting a threshold value to equal or exceed the determined delay; and limiting transmission of data to the buffer based on the threshold value. LEVINE does not disclose or suggest this combination of features.

For example, LEVINE does not disclose or suggest determining a delay associated with transmitting a flow control signal from a buffer to a device that transmits to the buffer. With respect to this feature, the Examiner alleges "Levine teaches tracking data buffered and determining whether the amount of data exceeds a threshold and reducing a data rate when the threshold is exceeded" and points to the Abstract of LEVINE for support (Office Action, pg. 4). Applicants submit that this allegation does not address the above feature of claim 19. That is, claim 19 does not recite determining whether an amount of data exceeds a threshold. Instead,

claim 19 specifically recites determining a delay associated with transmitting a flow control signal from a buffer to a device that transmits to the buffer.

Nevertheless, in the Abstract, LEVINE discloses:

A method of controlling congestion in data networks wherein data is received by an egress port and buffered in a local buffer associated with a source of the element. For each data element received, the egress port determines whether a global threshold is exceeded and, if so, requests all data sources to reduce their rate of data delivery to the egress port. Similarly, the egress port determines whether a local threshold is exceeded and, if so, requests the one source associated with the local buffer to reduce the data delivery rate to the egress port. Optionally, if the data delivery rate of the one source falls below a predetermined minimum rate, the one source may refuse the request. In response, the egress port requests other data sources to reduce their rate of data delivery to the egress port.

This section of LEVINE discloses comparing a data delivery rate to a threshold. This section of LEVINE in no way discloses or suggests determining a delay associated with transmitting a flow control signal from a buffer to a device that transmits to the buffer, as required by claim 19.

Further with respect to the above feature of claim 19, the Examiner alleges "[t]he threshold is the representative of an amount of delay for sending data from the buffer to the egress port, which is the same as a device that transmits data to the buffer" and points to the Abstract of LEVINE for support (Office Action, pg. 4). Applicants respectfully disagree with the Examiner's interpretation of LEVINE.

As set forth above, in the Abstract, LEVINE discloses comparing a data delivery rate to a threshold. Neither the Abstract nor any other section of LEVINE discloses or suggests that the threshold is a delay associated with transmitting a flow control signal from a buffer to a device that transmits to the buffer, as required by claim 19. If the Examiner maintains this rejection, Applicants respectfully request that the Examiner explain how the above section of LEVINE can reasonably be construed to disclose that the data delivery rate threshold is equivalent to a delay

associated with transmitting a flow control signal from a buffer to a device that transmits to the buffer.

Since LEVINE does not disclose or suggest determining a delay associated with transmitting a flow control signal from a buffer to a device that transmits to the buffer, LEVINE cannot disclose or suggest setting a threshold value to equal or exceed the determined delay or limiting transmission of data to the buffer based on the threshold value, as also required by claim 19.

For at least the foregoing reasons, Applicants submit that claim 19 is not anticipated by LEVINE.

Claims 20 and 21 depend from claim 19. Therefore, these claims are not anticipated by LEVINE for at least the reasons given above with respect to claim 19

Independent claim 29 is directed to a method for controlling a reading of data from a buffer. The method includes tracking an amount of data read from the buffer; determining whether the amount exceeds a threshold; and reducing a speed at which data is read when the amount exceeds the threshold. LEVINE does not disclose or suggest this combination of features.

For example, LEVINE does not disclose or suggest tracking an amount of data read from a buffer. The Examiner relies on the Abstract of LEVINE for allegedly disclosing this feature (Office Action, pg. 4). Applicants respectfully disagree with the Examiner's interpretation of LEVINE.

In the Abstract, LEVINE discloses:

A method of controlling congestion in data networks wherein data is received by an egress port and buffered in a local buffer associated with a source of the

element. For each data element received, the egress port determines whether a global threshold is exceeded and, if so, requests all data sources to reduce their rate of data delivery to the egress port. Similarly, the egress port determines whether a local threshold is exceeded and, if so, requests the one source associated with the local buffer to reduce the data delivery rate to the egress port. Optionally, if the data delivery rate of the one source falls below a predetermined minimum rate, the one source may refuse the request. In response, the egress port requests other data sources to reduce their rate of data delivery to the egress port.

This section of LEVINE discloses that for each data element received by an egress port, the egress port determines whether a global threshold is exceeded. Clearly, one skilled in the art would readily appreciate that receiving a data element at an egress port is different than tracking an amount of data read from a buffer. This section of LEVINE does not disclose or suggest this feature of claim 29.

Further with respect to the above feature of claim 29, the Examiner alleges "[t]he Examiner notes that it is inherent to read data in the process of transferring data in an electronic computing device" (Office Action, pg. 4). Applicants respectfully submit that the Examiner's inherency allegation does not address the above feature of claim 29. Even assuming, for the sake of argument, that it is inherent to read data in the process of transferring data (a point that Applicants do not concede), the Examiner does not explain how this allegation relates to the above feature of claim 29. The Examiner does not explain why one skilled in the art would reasonably construe LEVINE's teaching of controlling the rate at which data is transmitted to a buffer as inherently including controlling the rate at which data is read from a buffer. The LEVINE disclosure is not at all concerned with controlling the reading of data from a buffer.

Since LEVINE does not disclose or suggest tracking an amount of data read from a buffer, LEVINE cannot disclose or suggest reducing a speed at which data is read when the amount exceeds the threshold, as also required by claim 29. In stark contrast, LEVINE discloses

reducing data delivery to a buffer of the egress port (see Abstract). LEVINE does not disclose or suggest reducing a speed at which data is read when the amount exceeds the threshold, as required by claim 29.

For at least the foregoing reasons, Applicants submit that claim 29 is not anticipated by LEVINE.

Claims 30-32 depend from claim 29. Therefore, these claims are not anticipated by LEVINE for at least the reasons given above with respect to claim 29. Moreover, these claims recite additional features not disclosed or suggested by LEVINE.

For example, claim 32 recites that the reducing the speed includes masking buffer read opportunities. The Examiner relies on col. 3, line 65, of LEVINE for allegedly disclosing this feature (Office Action, pg. 5). Applicants respectfully disagree with the Examiner's interpretation of LEVINE.

At col. 3, line 65, LEVINE discloses "The local buffers may be assigned dynamically as sources activate and deactivate." This section of LEVINE in no way relates to masking buffer read opportunities. If this rejection is maintained, Applicants respectfully request that the Examiner explain how this section of LEVINE can reasonably be construed as disclosing that the reducing the speed includes masking buffer read opportunities, as required by claim 32. For at least these additional reasons, Applicants submit that claim 32 is not anticipated by LEVINE.

Independent claim 33 recites features similar to, yet possibly of different scope than, features described above with respect to claim 29. Therefore, this claim is not anticipated by LEVINE for at least reasons similar to reasons given above with respect to claim 29.

Claims 34 and 35 depend from claim 33. Therefore, these claims are not anticipated by

LEVINE for at least the reasons given above with respect to claim 33.

Claims 23 and 26 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by SUSNOW. Applicants respectfully traverse this rejection.

At the outset, Applicants note that the rejection of claim 26 is improper. Claim 26 depends from claim 24. The Examiner rejects claim 24 under 35 U.S.C. § 103(a) based on SUSNOW and BARANYAI et al. Therefore, any rejection of claim 26 must be based on SUSNOW and BARANYAI et al. Since the Examiner rejects claim 26 based on SUSNOW alone, the rejection of claim 26 is improper.

Independent claim 23 is directed to a system for preventing a buffer overflow condition. The system includes a register comprising at least one entry configured to store a threshold value, where the threshold value equals or exceeds a delay associated with transferring a flow control signal from the buffer to a device that transmits data to the buffer; at least one counter configured to store a value representing an amount of time since a previous data transmission to the buffer; and a comparator configured to compare the amount of time to the threshold value, and permit transmission of data to the buffer when the amount of time equals or exceeds the threshold value. SUSNOW does not disclose or suggest this combination of features.

For example, SUSNOW does not disclose or suggest a register comprising at least one entry configured to store a threshold value, where the threshold value equals or exceeds a delay associated with transferring a flow control signal from the buffer to a device that transmits data to the buffer. The Examiner relies on Fig. 7 and para. 0071 of SUSNOW for allegedly disclosing the above feature of claim 23 (Office Action, pg. 5). Applicants submit that these sections of SUSNOW do not disclose or suggest the above feature of claim 23.

Fig. 7 of SUSNOW depicts a link level packet flow control mechanism that can be installed at the source or destination node. This figure of SUSNOW in no way discloses or suggests a register comprising at least one entry configured to store a threshold value, where the threshold value equals or exceeds a delay associated with transferring a flow control signal from the buffer to a device that transmits data to the buffer, as required by claim 23. Instead, this figure discloses the placement of a link level packet flow control mechanism 700 between a receiver 610B and a receive first in, first out (FIFO) register 620B and a transmit FIFO register 620A and a transmitter 610A. The only registers depicted in Fig. 7 are the FIFOs 620A and 620B. SUSNOW does not disclose or suggest that FIFOs 620A and 620B include at least one entry configured to store a threshold value, where the threshold value equals or exceeds a delay associated with transferring a flow control signal from the buffer to a device that transmits data to the buffer, as required by claim 23. Instead, SUSNOW discloses that FIFO 620B is equipped with a utilization threshold (para. 0072). SUSNOW does not disclose or suggest that the utilization threshold equals or exceeds a delay associated with transferring a flow control signal from the buffer to a device that transmits data to the buffer, as required by claim 23.

At para. 0071, SUSNOW discloses:

Credits are relinquished for the following reasons: First, data packets 310 are removed from the receive FIFO 620B and that space is reclaimed as available for data packet storage. Second, link packets 340 are received whose Flow Control Total Bytes Sent (FCTBS) field 344 differs from the ABR counter tracking actual blocks received at the local port. This happens when link integrity problems occur forcing data packets 310 to be inadvertently dropped without storage in the receive FIFO 620B. The difference implies link credits that were consumed by the remote system 190 that did not result in local FIFO utilization. The host system 130 (for example) must inform the remote system 190 of additional buffer (FIFO) capacity by transmitting a link packet 340. The link packet transmission solution must be flexible enough that the link does not become inundated with link packets 340 that may ultimately result in lower network performance. This is achieved by

accumulating relinquished credits (either from packet extraction or received link packets 340) in a credit pool (via a counter). The accumulated credits in the counter (see FIG. 9 hereinbelow) are then compared with a programmable link credit threshold. When the accumulated credits exceed this threshold a link packet 340 is scheduled for the corresponding virtual lane VL. Once the link packet 340 is scheduled, the counter is cleared and additional new credits for that VL begin accumulating. The value programmed in the threshold register determines the frequency of link packet transmission and allows for various design tradeoffs. If a local port implements a very shallow receive FIFO 620B, setting the threshold low may result in more link packets 340 transmitted enabling the remote system 190 to process additional data packets 310. Conversely, if a port implements a very deep receive FIFO 620B the threshold may be set higher slowing the transmission of link packets 340 to maximize network utilization with data packets 310. In either case the programmable threshold provides the greatest flexibility.

This section of SUSNOW discloses that a value programmed in the threshold register determines the frequency of link packet transmission. This section of SUSNOW in no way discloses or suggests that the threshold register stores a threshold value, where the threshold value equals or exceeds a delay associated with transferring a flow control signal from the buffer to a device that transmits data to the buffer, as required by claim 23.

For at least the foregoing reasons, Applicants submit that claim 23 is not anticipated by SUSNOW.

Claim 22 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over LEVINE in view of BARANYAI et al. Applicants respectfully traverse this rejection.

Claim 22 depends from claim 19. The disclosure of BARANYAI et al. does not remedy the deficiencies in the disclosure of LEVINE set forth above with respect to claim 19. Therefore, claim 22 is patentable over LEVINE and BARANYAI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 19.

Claims 24 and 28 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over

SUSNOW in view of BARANYAI et al. Applicants respectfully traverse this rejection.

Claims 24 and 28 depend from claim 23. The disclosure of BARANYAI et al. does not remedy the deficiencies in the disclosure of SUSNOW set forth above with respect to claim 23. Therefore, claims 24 and 28 are patentable over SUSNOW and BARANYAI et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 23.

Claim 27 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over SUSNOW in view of KIM et al. Applicants respectfully traverse this rejection.

Claim 27 depends from claim 23. The disclosure of KIM et al. does not remedy the deficiencies in the disclosure of SUSNOW set forth above with respect to claim 23. Therefore, claim 27 is patentable over SUSNOW and KIM et al., whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 23.

Claims 39 and 41 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over KIM in view of LEVINE. Applicants respectfully traverse this rejection.

Independent claim 39 is directed to a network device that includes a first flow control device and a second flow control device. The first flow control device includes a transfer request unit configured to generate a request to transfer data, a rate limiter configured to control a rate at which data is transferred, and an arbiter configured to receive the request and transfer the data at a rate determined by the rate limiter. The second flow control device includes a throttle controller configured to track an amount of data read from a buffer, and reduce a speed at which data is read from the buffer when the amount exceeds a threshold. KIM and LEVINE do not disclose or suggest this combination of features.

For example, KIM and LEVINE do not disclose or suggest a throttle controller configured to track an amount of data read from a buffer. The Examiner admits that KIM does not disclose this feature and relies on the Abstract of LEVINE for allegedly disclosing this feature (Office Action, pg. 6). Applicants submit that this section of LEVINE does not disclose or suggest the above feature of claim 39.

The Abstract of LEVINE is reproduced above. This section of LEVINE discloses that for each data element received by an egress port, the egress port determines whether a global threshold is exceeded. Clearly, one skilled in the art would readily appreciate that receiving a data element at an egress port is different than tracking an amount of data read from a buffer. This section of LEVINE does not disclose or suggest this feature of claim 39.

Since KIM and LEVINE do not disclose or suggest a throttle controller configured to track an amount of data read from a buffer, KIM and LEVINE cannot disclose or suggest the throttle controller reducing a speed at which data is read from the buffer when the amount exceeds a threshold, as also required by claim 39. In stark contrast, LEVINE discloses reducing data delivery to a buffer of the egress port (see Abstract). LEVINE does not disclose or suggest reducing a speed at which data is read from the buffer when the amount exceeds a threshold, as required by claim 39.

For at least the foregoing reasons, Applicants submit that claim 39 is patentable over KIM and LEVINE, whether taken alone or in any reasonable combination.

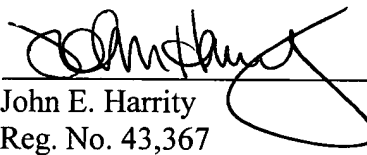
Claim 41 depends from claim 39. Therefore, this claim is patentable over KIM and LEVINE, whether taken alone or in any reasonable combination, for at least the reasons given above with respect to claim 39.

In view of the foregoing remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of pending claims 1-7 and 9-41.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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